

CR15-00707-PHX-SRB JUVENILE CARLOS 2-24-16

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,)
)
Plaintiff,)
) CR15-00707-PHX-SRB
vs.) Phoenix, Arizona
) February 24, 2016
Abdul Malik Abdul Kareem,)
)
Defendant.)
)
)

BEFORE: THE HONORABLE SUSAN R. BOLTON, JUDGE
EXCERPT OF REPORTER'S TRANSCRIPT OF PROCEEDINGS
JURY TRIAL - DAY #6
TESTIMONY: JUVENILE CARLOS

APPEARANCES:

For the Government:

U.S. ATTORNEY'S OFFICE
By: Kristen Brook, Esq.
Joseph Edward Koehler, Esq.
40 North Central Avenue, Suite 1200
Phoenix, AZ 85004

For the Defendant Abdul Malik Abdul Kareem:

MAYNARD CRONIN ERICKSON CURRAN & REITER PLC
By: Daniel D. Maynard, Esq.
Mary Kathleen Plomin, Esq.
3200 North Central Avenue, Suite 1800
Phoenix, AZ 85012

Official Court Reporter:

Elizabeth A. Lemke, RDR, CRR, CPE
Sandra Day O'Connor U.S. Courthouse, Suite 312
401 West Washington Street, SPC 34
Phoenix, Arizona 85003-2150
(602) 322-7247

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1 **E X C E R P T O F P R O C E E D I N G S**

2 THE CLERK: Please just state your first name.

3 THE WITNESS: Carlos.

4 THE COURT: You may proceed, Ms. Brook.

5 MS. BROOK: Thank you.

6 **JUVENILE CARLOS, WITNESS, SWORN**

7 **DIRECT EXAMINATION**

8 BY MS. BROOK:

9 Q Hi.

10 A Hi.

11 Q If you want to just move nice and close to the mic so that
12 we can all hear you, what's your first name?

13 A Carlos.

14 Q And, Carlos, how old are you?

15 A I'm 13.

16 Q What grade are you in?

17 A I'm in the eighth grade.

18 Q And, Carlos, do you have any brothers and sisters?

19 A Yes, I do. I have ten.

20 Q Are there ten total of you?

21 A Yes -- no, there's eleven.

22 Q Eleven. How many brothers? How many sisters?

23 A Five brothers and five sisters.

24 Q What's your favorite thing to do outside of school?

25 A Skate.

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1 Q And what type of skating do you do?

2 A Extreme skating.

3 Q Street skating?

4 A Extreme. Skateboarding.

5 Q Skateboarding.

6 A Uh-huh.

7 Q Who introduced you to skateboarding?

8 A My brother Lupe -- or my brother Felipe. He's sponsored.

9 Q You have a sponsor?

10 A I do but my brother was sponsored -- he's sponsored.

11 That's how I got into skating.

12 Q Okay. So your brother was sponsored as a skateboarder?

13 A Yes.

14 Q And in watching him, he sort of got you interested in
15 skateboarding?

16 A Yeah, pretty much.

17 Q What does your skateboard look like?

18 A My skateboard, it's red and has a bunch of taggings on it,
19 but I'm sponsored by DGK, so it's pretty different, you know,
20 every day.

21 Q I'm just going to have you take a deep breath.

22 Ms. Lemke, who is sitting right in front of you, has
23 to type down everything that you're saying, so we're just
24 going to go nice and slow so that she can understand
25 everything you're saying.

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1 A All right.

2 Q But you mentioned that you are sponsored.

3 A Uh-huh.

4 Q So what does it mean to be sponsored as a skateboarder?

5 A To get free stuff, I guess you could say.

6 Q You get free things?

7 A I get free things all the time.

8 Q Okay. And do you compete as a skateboarder?

9 A Yes, in competitions.

10 Q Okay. And do you have to practice a lot?

11 A Every day.

12 Q You had mentioned that you're in eighth grade right now?

13 A Yes.

14 Q What's your favorite class in eighth grade?

15 A Math. It's the easiest thing.

16 Q It comes easiest to you?

17 A Uh-huh.

18 Q Has it always come easily to you, math?

19 A No.

20 Q More so over the years or --

21 A Like in the eighth grade, seventh grade, I started getting
22 a little bit better.

23 Q Okay. You had mentioned that you've got five brothers and
24 sisters.

25 A Uh-huh.

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1 Q And that that's your family.

2 Was there a time that you met a man by the name of D?

3 A Yes.

4 Q How did you meet D?

5 A Through my brother. He worked in his company called
6 Git-r-Done Moving Services.

7 Q So through your brother. Which brother?

8 A Lupe Guerrero. Guerrero.

9 Q And did Lupe work with D or something else?

10 A He worked with D for the moving company.

11 Q Okay. And did D used to live near you?

12 A He lived right across the street from me.

13 Q We've talked about the fact you're in eighth grade right
14 now.

15 A Uh-huh.

16 Q And you said that D used to live across the street from
17 you. When did D move away from where he was? So when did he
18 leave and no longer live across the street from you?

19 A I think like in October, November, I think. I don't know.

20 Q Okay. So were you in seventh grade at the time, was it
21 last year?

22 A It was in seventh grade at the time and I think he moved
23 like during summer, I think. I don't know.

24 Q Okay. So you're in seventh grade when he moved away. And
25 after D moved away from living across the street --

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1 A Uh-huh.

2 Q -- did you ever talk to him again?

3 A No.

4 Q So from the time that D moved away from living across the
5 street -- and was that on Cochise?

6 A Uh, yes.

7 Q Okay. So after he moved away and no longer lived on
8 Cochise, you didn't talk to him again?

9 A No.

10 Q So I want to talk about the time that you spent with D
11 when you were in seventh grade before he did move away.

12 A Uh-huh.

13 Q Okay? You had mentioned that Lupe, one of your brothers,
14 had introduced you to him?

15 A Yes.

16 Q And about how long do you think it was that you spent time
17 with D or knew D?

18 A A couple months, like eight.

19 Q So about eight months and that was during the time that
20 you were in seventh grade?

21 A Uh-huh.

22 THE COURT: Is that "yes"?

23 THE WITNESS: Yes.

24 THE COURT: Thank you.

25 BY MS. BROOK:

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1 Q And what the Judge is saying is that Ms. Lemke has to have
2 a "yes" or a "no" because she has to write it down.

3 So "uh-huhs" and stuff like that, there's no word for
4 that.

5 A That's okay. I respect that.

6 Q So did D ever buy you presents?

7 A Yes, he did.

8 Q What type of presents did D buy you?

9 A He bought me clothes and food, games.

10 Q Clothes and food and games. What type of games?

11 A Video games like consoles like X-box, games, controllers,
12 you know.

13 Q And did he ever buy you a watch?

14 A Yes. He bought me a blue Rolex watch. Yeah.

15 Q And did he ever buy you a phone?

16 A Yeah. Well, he didn't buy me a phone but he gave me a
17 phone.

18 Q Okay. When you were in seventh grade and living across
19 the street from D, would you go over to D's house?

20 A Yes. All the time.

21 Q Is that something you would do almost every day after
22 school?

23 A Every single day.

24 Q You would go over there every single day.

25 Were there times that you would spend the night over

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1 at D's house?

2 A I used to live with D for like about a good month or two,
3 probably.

4 Q And was that during seventh grade too?

5 A Yes, it was.

6 Q Would D also take you out to eat?

7 A Yeah.

8 Q And when he did, who would pay?

9 A He would.

10 Q After you met D, did you convert to Islam?

11 A Yes.

12 Q Why did you convert to Islam?

13 A I hung out with him a lot and he asked me to. And I felt
14 like it was necessary to because I was hanging out with him,
15 you know, maybe I should do it.

16 Q Why did you feel like it was necessary?

17 A Because if I was around the group of people he was around
18 with, you know, maybe I should too, you know what I mean.

19 Q Did he tell you that it was important for your friendship?

20 A It was. Yeah, it was.

21 Q And what did he say about that?

22 A It was -- it was technically a mandatory thing.

23 Q How do you mean?

24 A Like if I was -- if I wasn't Muslim, I would be considered
25 a kafir, you know. He doesn't really talk to kafirs, you know

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1 what I mean, so.

2 Q What's a kafir?

3 A A kafir is somebody that's not Muslim, so technically,
4 everybody sitting in this room.

5 Q Okay. So kafir is somebody that's not Muslim.

6 Who taught you about kafirs?

7 A Abdul Malik. D.

8 Q D did. And did D tell you what he wanted to do to kafirs?

9 A No, not really. But he said if he had to hurt a kafir, he
10 would.

11 Q I'm sorry. Say that again. He said what?

12 A If he had to hurt a kafir, he would.

13 Q How -- was that something he said once or more than once?

14 A More than once.

15 Q How often would he say that?

16 A I don't know.

17 Q You had mentioned that you have brothers and sisters and
18 are some of them younger than you?

19 A Yeah, a couple of them.

20 Q Do you recall asking D to buy a present for your little
21 sister?

22 A Yes.

23 MR. MAYNARD: Objection. Leading and it's hearsay.

24 THE COURT: Overruled. Just say "yes" or "no."

25 THE WITNESS: Yes.

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1 BY MS. BROOK:

2 Q What did he say?

3 A What? What's the question?

4 Q So I asked you if you remembered asking D to buy a present
5 for your little sister?

6 A Yes.

7 Q And you had said yes.

8 What did D say?

9 A No.

10 Q And did he say anything else?

11 A No.

12 Q Did D consider your little sister a kafir?

13 A Yes.

14 MR. MAYNARD: Objection. It's been asked and
15 answered.

16 THE COURT: Overruled. You may answer.

17 Did D consider your little sister a kafir?

18 THE WITNESS: I said yes.

19 THE COURT: Thank you.

20 BY MS. BROOK:

21 Q Did D say anything about her being a kafir when he said no
22 to buying her a present?

23 A No.

24 Q Okay. You had mentioned that D talked to you about being
25 Muslim?

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1 A Uh-huh.

2 Q What did he teach you about being Muslim?

3 A You mean like specific?

4 Q Uh-huh. Did he teach you how to eat or use the bathroom
5 or anything like that?

6 A Well, we had to like do a couple of things like you had
7 certain ways to use the rest room, different ways to pray,
8 different ways to eat, some stuff we couldn't eat, some things
9 we couldn't, you know.

10 Q Let's talk about the rest room. So did you have to use
11 the rest room a different way?

12 A Yes, we did. Well, not a different way, but, you know, a
13 different type of way.

14 Q Okay. And was it important to D that you used the rest
15 room the way he taught you to use it?

16 A Yes, it was.

17 Q You had mentioned that there were certain things you could
18 and couldn't eat?

19 A Yes.

20 Q What were things you couldn't eat?

21 A Pork.

22 Q Was it important to D that you didn't eat pork?

23 A Yes, it was.

24 Q When you were in seventh grade spending time at D's house,
25 did you meet somebody by the name of Ibrahim?

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1 A Yes.

2 Q And how did you meet him?

3 A I met him through D.

4 Q Did Ibrahim spend time at D's house?

5 A Yes, he did.

6 Q And how often would you see Ibrahim at D's house?

7 A Like three times a week.

8 Q Three times a week.

9 Did you ever talk to Ibrahim about being Muslim?

10 A We used to talk about it all the time.

11 Q And what would Ibrahim tell you about being Muslim?

12 MR. MAYNARD: Objection. Calls for hearsay.

13 THE COURT: Sustained.

14 BY MS. BROOK:

15 Q I'm going to place on the board a photograph that has
16 already been admitted. It's Government's Exhibit 431.

17 Carlos, do you recognize who is in that picture?

18 A Yes.

19 Q Who is that?

20 A Elton Simpson.

21 Q Is that the person that you have been referring to as
22 Ibrahim?

23 A Yes.

24 Q Did D ever show you a video of a pilot or a person being
25 burned alive in a cage?

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1 A It wasn't shown to me. It was like on the news.

2 Q Okay. Before -- right before you saw it, were you awake

3 or asleep?

4 A I was asleep.

5 Q What woke you up?

6 A Him like laughing because he was like obnoxious and loud.

7 Q So who is "he"?

8 A Abdul Malik. D.

9 Q So D was laughing and you were asleep and you wake up.

10 What happens next?

11 A He comes into my room and he's like: Come on. Something

12 is on TV I've got to show you.

13 I walked to the TV and there was this man like

14 being -- like not burned alive. Like he was already dead. He

15 looked dead because he wouldn't say anything. But he was

16 like -- he was screaming and he was like -- he was just in a

17 cage being burned alive. That's all it was.

18 Q And the whole time that that video was playing, what was D

19 doing?

20 A Just continuously laughing.

21 Q Was that video on the TV or something else?

22 A It was on the news.

23 MR. MAYNARD: Objection. Asked and answered.

24 THE COURT: Again, Mr. Maynard, if you don't stand

25 and say the word "objection," then you're just making random

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1 statements.

2 MR. MAYNARD: I apologize.

3 THE COURT: He answered already: It was on the news.

4 BY MS. BROOK:

5 Q Was the news being played on the TV or something else?

6 A The TV.

7 Q Do you remember what station it was?

8 A Fox News.

9 Q Was Fox News or news at all something that you saw at D's
10 house when you were there?

11 A Every morning. Every morning I saw Fox News.

12 Q Who would show you Fox News every morning?

13 A D. It was on.

14 Q Was there anything important about what was on the news
15 that he would talk to you about?

16 A No.

17 Q Did D talk to you about an art contest?

18 A Yes.

19 Q And this was during the time -- was this during the time
20 in seventh grade or some other time?

21 A No. It was in the seventh grade.

22 Q What did D tell you about the art contest?

23 A He didn't tell me anything really about it. He just told
24 me, you know. He went forth -- like straight forth with it.
25 You know what I mean. Like I said -- I don't know how to

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1 explain it. Like I don't know how to explain it, technically,
2 you know what I mean, but he just told me, you know.

3 Q Okay. So let's start at the beginning. And if you can
4 just move forward just to the mic so we can hear you.

5 What did D say about the contest? Did he say
6 anything about Ibrahim?

7 A He said something about a gun. Like, I think it was like
8 an AK47.

9 Q And what did he say about an AK47 and Ibrahim?

10 A He said he would probably give it to him. If like
11 anything went down, like, he would give it to him, you know,
12 just like for protection.

13 Q So he was going to give Ibrahim an AK47?

14 MR. MAYNARD: Objection to the form, Your Honor.

15 THE COURT: Sustained.

16 BY MS. BROOK:

17 Q So let's just make sure we all understand.

18 So D said that he was going to give Ibrahim an AK47?

19 MR. MAYNARD: Objection to the form.

20 THE COURT: Sustained.

21 THE WITNESS: Yes. He said he was -- yes. He --

22 MR. MAYNARD: Objection. There's no question
23 pending.

24 THE COURT: Okay. Ms. Brook, ask a question.

25 BY MS. BROOK:

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1 Q What did D say he was going to do with the AK47?

2 A He was going to give it to Ibrahim.

3 Q And why was he going to give Ibrahim the AK47?

4 MR. MAYNARD: Objection.

5 THE COURT: Did he say why he was giving it to
6 Ibrahim?

7 BY MS. BROOK:

8 Q Did he say why?

9 A For protection.

10 Q And was this during the conversation you had with him
11 about the art contest?

12 A Yes.

13 Q Where were you when you had this conversation?

14 A At Uncle Sam's.

15 THE COURT: What's Uncle Sam's.

16 THE WITNESS: It's a restaurant.

17 BY MS. BROOK:

18 Q And who was with you at Uncle Sam's?

19 A Me, him, and his brother.

20 Q And was that D's brother?

21 A Yes.

22 Q When D talked to you about the art contest and giving
23 Ibrahim the AK47, was his brother sitting at the table?

24 A No. He was paying for our lunches.

25 Q Did you hear him say anything else about the art contest?

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1 A No.

2 Q Was D -- did D ever say anything about being worried about
3 the FBI watching him?

4 A All the time.

5 Q Is that every day or how often would that be?

6 A Every day it was a new thing.

7 Q And was this throughout the time you knew him in seventh
8 grade?

9 A Yes.

10 Q Did D talk to you about snitching?

11 A Yes.

12 Q Did D tell you not to snitch?

13 A Yes.

14 MR. MAYNARD: Objection. Leading.

15 THE COURT: Sustained.

16 BY MS. BROOK:

17 Q What did D say to you about snitching?

18 A Just never not to snitch.

19 Q What did that mean to you?

20 A That meant never to tell him if anything bad happened.

21 Q To tell who?

22 A The FBI, police, you know.

23 Q During the time that you knew D, did D have guns?

24 A Uh-huh. Yes.

25 Q Carlos, here with us in the courtroom today do you see D?

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1 A Yes.

2 Q Can you point to him and describe something he's wearing?

3 A Blue.

4 MS. BROOK: Your Honor, may the record reflect that
5 the witness has identified the defendant?

6 THE COURT: Yes.

7 MS. BROOK: May I have one moment?

8 THE COURT: Yes.

9 BY MS. BROOK:

10 Q One last question.

11 I just want to go back to you talked about D talking
12 about kafirs?

13 A Uh-huh. Yes.

14 Q Did you ever hear D mention killing kafirs?

15 MR. MAYNARD: Objection to the form of the question.

16 It's leading.

17 THE COURT: Overruled. You may answer "yes" or "no."

18 THE WITNESS: Yes.

19 BY MS. BROOK:

20 Q What did he say?

21 A He said if he had to shoot a kafir, he would. He never
22 said he was going to do it for no reason.

23 MS. BROOK: I don't have any other questions.

24 THE COURT: Mr. Maynard, cross.

25 MR. MAYNARD: Yes.

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1

CROSS EXAMINATION

2 BY MR. MAYNARD:

3 Q Good afternoon.

4 A Good afternoon.

5 Q Do you recall when D moved in across the street from you?

6 A Yes.

7 Q It was approximately 2012?

8 A Yeah.

9 Q Okay. At some point your older brother Lupe moved in with
10 D; is that correct?

11 A Yes. Yes, it is.

12 Q Okay. Prior to your brother moving in with D, did you
13 have occasions when you would go over to D's house?

14 A I went there every day.

15 Q And so you had been going there since he moved in?

16 A Since I met him with my brother, like my brother
17 introduced me to him.

18 Q Okay. By the way, where are you in school right now?

19 What school do you go to?

20 A I go to Royal Palm Middle School.

21 MS. BROOK: Your Honor, I object to any line of
22 questioning that would further go to identify the victim -- or
23 I'm sorry -- the witness by last name or any other facts.

24 THE COURT: The answer has already come in.

25 Please ask your next question, Mr. Maynard.

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1 BY MR. MAYNARD:

2 Q When -- were there times when you did work for D?

3 A Yes.

4 Q Did you do landscaping for him, picking up the yard?

5 A Landscaping. Picking up the yard.

6 Q Is that "yes"?

7 A Picking up the yard. Cleaning.

8 Q And for doing those things, did he -- you told us that he
9 bought you things. Did he buy you those things because you
10 were doing work for him?

11 A Yes.

12 Q Okay. And I think you indicated that he bought you a
13 X-box; is that correct?

14 A Yes.

15 Q And an X-box is a game that you can hook up to a
16 television?

17 A Uh-huh.

18 Q Is that a "yes"?

19 A Yes.

20 Q Okay. And you took that X-box to your house to play it?

21 A Yes.

22 Q Okay. Now, there were times when your brother Lupe
23 actually lived with D, correct?

24 A Yes.

25 Q And Lupe worked for D's moving company?

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1 A Uh-huh. Yes.

2 Q Okay. And you have another brother, a little -- a brother
3 who's a little older than you, Juan?

4 A Yes.

5 Q And Juan would come over to D's house also?

6 A Uh-huh.

7 Q Is that correct?

8 A Yes. That is correct.

9 Q Now -- just a second, Your Honor. Excuse me.

10 Now you were telling us a few moments ago that you
11 were having a meal with D and his brother when he discussed
12 with you this art contest. Do you recall that?

13 A Yes.

14 Q Okay. And that discussion occurred at a restaurant called
15 Sam's?

16 A Uncle Sam's.

17 Q Uncle Sam's. And D's brother was there?

18 A Yes.

19 Q And what was D's brother's name?

20 A James.

21 Q Okay. Could you describe James for the jury? What does
22 he look like?

23 A He was a black cowboy. He was Christian. That's mainly
24 it.

25 Q Anybody else there with you?

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1 A No.

2 Q Other than James and D and you?

3 A No.

4 Q Okay. And the conversation that D had was after James had
5 left to go -- and had gone to pay the bill?

6 A Yes.

7 Q Okay. Do you recall when that happened? When that
8 conversation occurred?

9 A Can you explain it like, you know, can you explain it like
10 in a way I can understand it, you know?

11 Q I'll try.

12 THE COURT: I think he wants to know: Do you know
13 what day of the week it was? What month it was?

14 THE WITNESS: No. I don't know any of that stuff.

15 BY MR. MAYNARD:

16 Q Okay. Well, let me ask you a couple of these questions.

17 Was your brother still living there?

18 A No.

19 Q Okay. Do you remember whether or not this conversation
20 that you had was before Christmas last year or after
21 Christmas?

22 A It was before Christmas.

23 Q It was before Christmas?

24 A Uh-huh.

25 Q Okay. And do you remember if it was before Thanksgiving

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1 or after Thanksgiving?

2 A It was a little bit before Thanksgiving, I think. Yes, a
3 little bit before.

4 Q Okay. So it would have been a little bit before
5 Thanksgiving while you were in the seventh grade?

6 A Uh-huh.

7 Q Is that a "yes"?

8 A Yes.

9 Q And so that would have been back in 2014?

10 A Yes.

11 Q Okay. Now, when D was talking about this event at the art
12 contest, did he tell you that there was going to be an attack?

13 A No, he didn't.

14 Q I'm sorry?

15 A No, he didn't.

16 Q Okay. Did he tell you what was going to happen?

17 A No, he didn't.

18 Q Did he ask if you wanted to go with him?

19 A No, he didn't.

20 Q Did he tell you whether he was going or not?

21 A No, he didn't.

22 Q Did you ever tell the FBI that he asked you whether you
23 wanted to go with him or not?

24 A No.

25 Q You've met with the FBI on a couple of occasions?

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1 A Uh-huh.

2 Q Correct?

3 A Yes.

4 Q One time would have been in June of 2015?

5 A Yes.

6 Q And then you met with them again right before Christmas
7 this past year?

8 A Yes.

9 Q In December of 2015, correct?

10 A Yes. Correct.

11 Q And you understood that they were taking down your
12 statement?

13 A Can you rephrase that?

14 Q Yeah. Did you understand that they were recording you?

15 A Yes.

16 Q Okay. And did they at some point give you a copy of what
17 you had said before to read?

18 A Not that I remember.

19 Q Okay. I'm going to show you a copy of a report that was
20 done.

21 THE COURT: I'm sorry. Did you say that they had
22 something where they transcribed what he said?

23 MR. MAYNARD: No, ma'am.

24 THE COURT: So this is a report prepared by someone
25 else?

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1 MR. MAYNARD: Yes.

2 THE COURT: Not based -- based on notes or something?

3 MR. MAYNARD: I believe they were based on the
4 transcript. It's not -- it's not a verbatim transcript of
5 that interview.

6 THE COURT: Okay. The problem is this is not his
7 statement. This is somebody's -- someone's summary of his
8 statement. And so it's not appropriate to show it to him as
9 his statement.

10 MR. MAYNARD: I'm trying to refresh his recollection.

11 THE COURT: It's not his statement.

12 MR. MAYNARD: Okay.

13 THE COURT: If you have his statement, you can show
14 it to him to try to refresh his recollection, but not what
15 someone else summarized as what they heard him say.

16 MR. MAYNARD: Okay.

17 BY MR. MAYNARD:

18 Q After this conversation in the restaurant, did you call
19 law enforcement to tell them about it?

20 A No.

21 Q Let me ask you a couple of questions about this video that
22 you told us that you saw.

23 Now, the video was of somebody being burned alive?

24 A Yes, it was.

25 Q Okay. And the video was on Fox News?

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1 A Yes.

2 Q Okay. And you saw it on the television set at D's house?

3 A Yes.

4 Q Okay. Were there any -- anything else you can recall
5 about that video?

6 A No.

7 MR. MAYNARD: Just a moment, Your Honor.

8 BY MR. MAYNARD:

9 Q Do you know a person by the name of Stefan Verdugo?

10 A Yes, I do.

11 Q Is he good friends with your brother Lupe?

12 A Yes, he is.

13 Q And when was the last time that you saw Stefan?

14 A Like I saw him last year around Christmas.

15 Q Okay. Did you see him last summer?

16 A Yes, I did.

17 Q Okay. Did he come by your house after the incident
18 occurred in Garland, Texas?

19 A No.

20 Q You don't remember seeing him then?

21 A No, I don't.

22 Q Do you know whether or not your brother saw him then?

23 MS. BROOK: Objection. Foundation.

24 THE COURT: Sustained.

25 That means you don't answer.

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1 THE WITNESS: I know.

2 BY MR. MAYNARD:

3 Q Did D ever teach you how to make any bombs?

4 A No.

5 Q Did you ever tell anybody that D told you how to make
6 bombs?

7 A No.

8 Q Have you ever seen Agent Whitson before?

9 A Who were you calling again?

10 THE COURT: The gentleman that's --

11 MR. MAYNARD: This gentleman.

12 THE WITNESS: Stu.

13 THE COURT: He's going to stand up.

14 You know him as Stu?

15 THE WITNESS: Yeah.

16 MR. MAYNARD: You know him as Stu?

17 THE WITNESS: Yeah.

18 BY MR. MAYNARD:

19 Q Is he one of the agents that interviewed you before?

20 A Yes.

21 Q And he interviewed you -- he was at the interview in
22 December?

23 A No. In the summer.

24 Q He was at the one in the summer?

25 A The one in the summer, what are you talking about?

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1 Q Well, there were two interviews, correct?

2 A In the summer -- I didn't know Stu that long ago.

3 Q Okay. Did you meet him this last December when you came
4 down to the U.S. Attorney's Office?

5 A Yes.

6 Q Okay. And so when you were being -- when people were
7 talking to you about what your testimony would be, was he in
8 that room?

9 A What time are you talking about exactly?

10 Q In December.

11 A In December? Yes.

12 Q Who was it that was asking you questions in December?

13 A I don't know specifically.

14 Q Do you remember if Stu was asking you questions?

15 A Well, all three of them technically were.

16 Q All three of the individuals sitting at this table?

17 A Well, no, not really. Kind of the same, yeah. Yes.

18 THE COURT: Why don't we -- I'll ask this.

19 Were all three of the people that are sitting at that
20 desk, were they all in the room with you when you were
21 talking --

22 THE WITNESS: When I first came here?

23 THE COURT: -- in December?

24 THE WITNESS: In December. Yes. They all were.

25 THE COURT: Okay. And so different ones asked

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1 different questions?

2 THE WITNESS: Yes.

3 MR. MAYNARD: Okay. I don't have any further
4 questions.

5 THE COURT: Ms. Brook, do you have some questions on
6 redirect?

7 MS. BROOK: Briefly, yes.

8 **REDIRECT EXAMINATION**

9 BY MS. BROOK:

10 Q Carlos, just a couple more questions.

11 Defense counsel asked you about school. And did you
12 go directly from seventh to eighth grade?

13 A Yes, I did.

14 Q Okay. Defense counsel asked you about D paying you to do
15 some chores around the house?

16 A Yes.

17 Q What chores would you do?

18 A I would just mow the lawn and rake the lawn, take out the
19 trash, mop, sweep, regular chores around the house. I don't
20 know.

21 Q So you would mow the lawn. You would take out the trash.
22 You would mop and you would sweep. And would he pay you cash
23 for doing that?

24 A Yes.

25 Q How much would he pay you?

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1 A Like 30 to \$40.

2 Q And just so we understand the lawn, did he have a large
3 lawn or a small lawn?

4 A It was medium-size lawn, I guess you could say.

5 Q Okay. Maybe bigger or smaller than the courtroom?

6 A Probably about from like where the corner of this is
7 (indicating) to right over there (indicating) to that wall.

8 Q Okay. So maybe about 20 feet?

9 A Yeah. Like 20 feet, I guess you could say.

10 Q And was it like a box, like 20-feet-by-20-feet or
11 something like?

12 A It was like a rectangle. It was like 10-feet-by-20-feet.

13 Q How often would you have to mow the lawn?

14 A Not that much. Like once a month.

15 Q Once a month.

16 Defense counsel asked you about statements that
17 you've made before. Are you sure of the memories that you
18 have talked to the jury here about today?

19 A Some of them are a hundred percent and like probably like
20 two questions are the only ones I don't remember.

21 Q Okay. Do you remember what the ones were that you don't
22 remember?

23 A The bombing. I don't like -- I kind of do, but then I
24 don't know, because I learned how to make a firework but, you
25 know what I mean, I wouldn't consider that was a bomb, you

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1 know what I mean.

2 Q And was there another one or was that it?

3 A No. That's it.

4 Q Okay. All the other questions, are you sure about the
5 memories that you have described to the jury?

6 A Yeah -- yes. A hundred percent.

7 MS. BROOK: I don't have any other questions.

8 THE COURT: May Carlos be excused as a witness?

9 MS. BROOK: Yes.

10 MR. MAYNARD: Yes.

11 THE COURT: Thank you, Carlos. You may step down and
12 you are excused.

13 The government may call its next witness.

14 (End of Excerpt of Proceedings.)

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2 C E R T I F I C A T E
34 I, ELIZABETH A. LEMKE, do hereby certify that I am
5 duly appointed and qualified to act as Official Court Reporter
6 for the United States District Court for the District of
7 Arizona.8 I FURTHER CERTIFY that the foregoing pages constitute
9 a full, true, and accurate transcript of all of that portion
10 of the proceedings contained herein, had in the above-entitled
11 cause on the date specified therein, and that said transcript
12 was prepared under my direction and control.13 DATED at Phoenix, Arizona, this 1st day of March,
14 2016.15
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18
19 s/Elizabeth A. Lemke
20 ELIZABETH A. LEMKE, RDR, CRR, CPE
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